

**Hearing Testimony for Congresswoman Heather Wilson on HR 1167 before the  
sub-committee on Veterans Benefits**

Thank you for holding this hearing today.

Millions of men and women have served honorably in the United States military. One of the promises we make to veterans is that they may be laid to rest in a national cemetery, if they so choose, and that their spouse can be buried with them.

Today there are 26 million living United States Veterans. Behind each of these veterans is a husband or wife who has carried a greater burden than most of us ask our husbands or wives to carry.

These spouses are just as important to our nation as the veterans to whom they are and were married. But there is a glitch in the law which denies them their right, as the surviving spouse of a veteran, to be buried in a national cemetery with their husband or wife in some circumstances.

Let me try to explain the current law as I understand it. Currently, the law says that if a veteran dies and their spouse remarries a non-veteran, and then the non-veteran dies or they are divorced, then the spouse can be eligible for burial in a national cemetery.

The law also says if a veteran's spouse dies and he or she remarries, both spouses are eligible for burial in a national cemetery. But, if a veteran dies and the spouse remarries, they can't be buried with their first spouse in a national cemetery.

It is this problem that my bill, HR 1167, seeks to remedy.

Maybe the story of how this legislation came to be would explain why this matters. Kay Brown is a constituent of mine. She told me the story of her mother, Francis Gilkerson.

E.T. Gilkerson met and married Kay Brown's mother, Francis, some 66 years ago.

It was during World War II and E.T. signed up as an enlisted volunteer for the Air Force. He was an X-Ray technician stationed in Fresno, California for three years. After he got out of the service, he and Francis were married for 56 years until he died at the age of 84 in 1993.

Some years went by and Francis met an 80 year old fellow who was also a widower and a neighbor in the mobile home park where they both lived. The two of them were both very lonely and they found comfort and friendship in each others company.

Francis was of a generation who would never consider living with somebody unless they were married. She was very concerned that she should be buried with her first husband and did not want to get married for a second time if that right was to be taken away from her.

So Kay contacted the local VA on her mother's behalf to check. According to Kay, the VA asked her if her mother and father were still married at the time of his death. The answer was yes and the VA said that it wouldn't be a problem for Kay's mom to be buried at the national cemetery in Santa Fe.

Francis married her second husband and lived very happily until her death in September of 2000. When Kay Brown was at the mortuary making arrangements for her mother's cremation, the mortician asked her where he was to be buried. Kay said that she was to be buried at the national cemetery in Santa Fe with her husband of *56 years*. The mortician shook his head and said that wasn't possible because her second husband was not a veteran.

When Kay called the VA again after her mother's death, they told her that the law prohibited her mother from being buried with her father because she had remarried a non-veteran who was living when Kay's mom died.

The VA gave Kay the wrong information when she first asked, and their error has caused heartache for Kay and her family. But the prohibition is in the law.

The ashes of Kay's mother, Francis, are still in a closet at Kay's house. But there are thousands of other Widows and Widowers in the same situation.

The law gives surviving veterans spouse (--many of them elderly women--) a Hobson's choice: Live alone in order to keep your burial right or, give up your right to be buried with your first spouse to have companionship in your sunset years.

The bill I've introduced, HR 1167, would allow surviving spouses to remarry and still be buried in a national cemetery with their first spouse if they choose.